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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,295	02/18/2002	Gregory Schlottmann	405530	3356

27717 7590 05/04/2004

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EXAMINER	
HARRISON, JESSICA	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/078,295	SCHLOTTMANN ET AL.	
	Examiner	Art Unit	
	Jessica J. Harrison	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 February 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *12-16* is/are allowed.

6)☒ Claim(s) *1-11,17-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Applicant's amendment/remarks of February 9, 2004 are acknowledged. Claims 1-42 remain pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 33 – 37 are, as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by Vancura .

Claim 33 has not been substantively amended from the prior presentation.

The published application to Vancura carries priority to September 8, 2000 and teaches a method for playing a primary or bonus game in a gaming machine. The method includes establishing a plurality of paths, randomly traversing the paths and awarding the player values associated with the squares landed upon. Vancura teaches that the expected value of each path is calculated using combinatorial analysis or a Monte Carlo simulation of the game. Through simulations of the game, the paytables can be established and

the overall expected value of the game be known to be acceptable to the operator. Vancura indicates that these types of mathematical analyses are well known to skilled artisans. The reference is deemed to meet the method as broadly claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-32 and 38 – 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura and Ugawa 5,836,819, taken in combination.

While Vancura cites several examples of what may be simulated by his game and method, he fails to explicitly state such could be used to simulate the game of pachinko. Therefore, he fails to alone show an object launch activator and a video display displaying the simulated movement of the object along the simulated displayed playfield as is now claimed. Ugawa has been cited to illustrate that it is known to program a simulation of the game of pachinko, and to establish spin/directional parameters to the balls. Clearly, Ugawa has been programmed and simulates a pachinko game. Ugawa provides a video display and an object launch activator (start button 24). In response to activation of the launch activator, simulated balls are

automatically launched into the (simulated) playfiled, resulting in a fully simulated pachinko game display. As pachinko is a game where an object (ball) traverses a random path, such as that suggested in Vancura, it would have been obvious to one of ordinary skill in the art at the time of the invention to simulate pachinko with the Vancura method. Doing such would have rendered the data gathered to be specific to a ball or plurality of balls and their characteristics as they randomly traversed a path. Such would have provided a popular implementation of the Vancura teaching. Simultaneously and alternatively, one of ordinary skill in the art at the time of the invention looking to implement Ugawa and to simulate a pachinko game to provided a video display version of a pachinko game would readily recognize the contribution of Vancura for providing a mathematical construct for programming the simulation. Clearly, as Ugawa displays the initial conditions and launch of the ball onto the playfield, an initial "path" must be selected as in the Vancura algorithm.

Allowable Subject Matter

Claims 12 – 16 are allowed. These claims define establishing a collision bonus for object colliding with one another. Generally, in pachinko, bonuses are provided when objects 'collide' with a 'hole' or other bonus object. The prior art of record fails to show or fairly suggest providing for bonus compensation to a player when balls collide with one another as recited in these claims.

Response to Arguments

Applicant's arguments filed February 9, 2004 have been fully considered but they are not persuasive. To the extent they remain applicable due to the change in claim scope necessitating the new grounds of rejection, applicant's arguments are not persuasive. Applicant notes a perceived difference in that the instant invention is 'automatic' and in Vancura a path must be selected. However, an activation of a launch actuator is a selection of initial conditions and is precisely a 'selection of a path' in that it is the selection of the path of object entry onto the playfield. This selection of a path is a "determining an origin state" as recited in claim 33. Finally, applicant submits that the prior art fails to show running the simulation in reverse to produce a starting point and then rerunning from that starting point as claimed in claims 22 and 26. However, it is a property of mathematics that equations may be solved for any unknown variable, and then re-calculated for checking. In numerous places Vancura states that a great variety of paths may be determined as part of the game design using the Monte Carlo simulation technique. Vancura's method includes establishing a plurality of paths, randomly traversing the paths and awarding the player values associated with the squares landed upon. Vancura teaches that the expected value of each path is calculated using combinatorial analysis or a Monte Carlo simulation of the game. Through simulations of the game, the paytables can be established and the overall expected value of the game be known to be acceptable to the operator. Vancura indicates that these

types of mathematical analyses are well known to skilled artisans. Running a 'reverse' analysis is essentially the same as selecting a different starting point of a path and solving for a different value. Accordingly, it is felt that the claimed method is encompassed within the combined teachings of the rejection particularly in view of the Vancura suggestions.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica J. Harrison whose telephone

number is 703-308-2217. The examiner can normally be reached on M-F during business hours.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica J. Harrison
Primary Examiner
Art Unit 3714

jjh